

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF VIRGINIA**  
**ALEXANDRIA DIVISION**

**Civil Action No.:** \_\_\_\_\_

EVERETTE CADDEN,

PLAINTIFF

v.

UNITED STATES OF AMERICA,

DEFENDANT.

**COMPLAINT**

1. This is an action arising under the Federal Tort Claims Act, 28 U.S.C. §2671. This Court is vested with jurisdiction pursuant to §1346(b), Title 28 of the United States Code.

2. On or about November 14, 2019, Plaintiff (“Mr. Cadden”) presented to James Houseworth, D.D.S. (“Dr. Houseworth”) at the Greater Prince William Health Center - Evergreen Terrace Dental (“the Practice”) at 975 Liberia Avenue, #201 in Manassas, Virginia, for a root canal on tooth #20.

3. Mr. Cadden returned to the Practice on December 19, 2019 as scheduled for completion of the root canal on his tooth #20, also performed by Dr. Houseworth.

4. At some point during the performance of the root canal on Mr. Cadden, Dr. Houseworth broke a file in the canal of Mr. Cadden’s tooth #20.

5. Dr. Houseworth did not inform Mr. Cadden of the broken file in the canal of Mr. Cadden’s tooth #20 on November 14, 2019 or on December 19, 2019, or at any time thereafter.

6. Mr. Cadden returned to the Practice on January 16, 2020 as scheduled for follow-up care at which time he was told that Dr. Houseworth was no longer with the Practice.

7. During the course of 2020, Mr. Cadden sought dental care from providers at Virginia Commonwealth University and on June 22, 2020, was informed that a piece of broken file was in the canal of his tooth #20.

8. Mr. Cadden had surgery to remove the broken file on September 2, 2020.

9. On September 9, 2020, Mr. Cadden returned to the Practice for complaints related to the root canal and was seen by Dr. Amparo Pinzon-Avellandeda, D.D.S. (“Dr. Pinzon-Avellandeda”).

10. At the time and place aforesaid, Dr. Pinzon-Avellandeda reviewed x-rays of Mr. Cadden’s jaw but made no mention to Mr. Cadden of the broken file in the canal of Mr. Cadden’s tooth #20.

11. No one associated with the Practice or the United States informed Mr. Cadden of the broken file in the canal of Mr. Cadden’s tooth #20 at any time.

12. At all times pertinent hereto, all individual health care providers at the Practice, including but not limited to those named hereinabove, were agents, servants, and/or employees of Defendant United States of America.

13. At all times pertinent hereto, and in providing dental and other care to Mr. Cadden, all individual health care providers at the Practice, including but not limited to those named hereinabove, were acting within the scope of their employment and/or agency and with Defendant United States of America.

14. In providing care and treatment to Mr. Cadden, the agents, servants, and employees of the defendant United States of America were negligent and breached the standard of care, including but not limited to their failure to communicate to Mr. Cadden the broken file remaining in the canal of his tooth and their failure to refer him to other providers to receive care for the broken file.

15. As a direct and proximate result of the ongoing negligence of those for whom the United States of America is legally liable to Mr. Cadden, he was prevented from seeking and receiving remedial care which would have allowed him to avoid or mitigate complications arising from the broken file remaining unattended in the canal of his tooth #20.

16. As a proximate result of the ongoing negligence of those for whom the United States of America is legally liable to Mr. Cadden, Plaintiff was caused to suffer serious and permanent nerve and other injuries; has suffered and will suffer in the future pain of body and mind; has incurred and will incur in the future medical and related expenses; and has been deprived of earnings and earning capacity.

10. On or about April 29, 2021, Plaintiff filed this claim with the United States Department of Health & Human Services, OGC/General Law Division (ATTN: Claims), the appropriate federal agency for such notice. More than six months have passed since the submission of the claim and the United States Department of Health & Human Services has not made a final disposition of such claim.

WHEREFORE, Plaintiff demands judgment against the defendant in the sum of THREE MILLION DOLLARS AND NO CENTS (\$3,000,000.00), plus pre-judgment and post-judgment interest, for his costs, and for such other relief as the Court may deem proper.

EVERETTE CADDEN

BY:  \_\_\_\_\_

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